

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PACIFIC COAST FEDERATION OF  
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiffs,

v.

WILBUR ROSS, *et al.*,

Defendants.

Case No. 1:20-cv-00431-JLT-EPG

ORDER REGARDING STIPULATION FOR  
DISMISSAL OF OJI FAMILY  
PARTNERSHIP

(ECF No. 468)

On September 14, 2023, the Intervenor-Defendants filed a stipulation purporting to dismiss Intervenor-Defendant Oji Family Partnership from this action without prejudice. (ECF No. 468). However, the Court has reviewed the stipulation and finds it to be deficient for this purpose and thus will not direct the Clerk of Court to terminate Oji Family Partnership at this time.

As an initial matter, the Court notes that, to the extent that the parties intended this filing as a stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the stipulation must be “signed by all parties who have appeared.” *See Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 687 (9th Cir. 2005) (While Rule 41(a) “governs dismissals of *entire actions* . . . [m]ost contemporary courts, including [the Ninth Circuit], have declined to read the rule literally as permitting the dismissal only of an entire action against all defendants. . . . These same cases, however, have only extended the rule to allow the dismissal of all claims against one defendant, so that a defendant may be dismissed from the entire action.”). Here, Plaintiffs and the Intervenor-Defendants have signed the stipulation, but not the Defendants.

1 The Court notes that Rule 41(a)(2) permits dismissal “by court order, on terms that the  
2 court considers proper,” but it is unclear whether the parties intended such a dismissal. In their  
3 future filing, the parties should cite the specific provision that they intend to proceed under. And if  
4 the parties fail to do so, the Court will construe the filing under the most applicable rule.

5 Second, it is unclear which case the parties are attempting to dismiss Oji Family  
6 Partnership, if not two cases. Specifically, this action is related to *California Natural Resources*  
7 *Agency, et al. v. Gina Raimondo, et al.*, 1:20-cv-426-JLT-EPG. In both cases, the presiding  
8 District Judge entered an order on September 14, 2023, permitted the parties to file a stipulation of  
9 dismissal as to Oji Family Partnership. While the stipulation was filed within the record of the  
10 instant case, the stipulation references, “*Pacific Coast Federation of Fishermen’s Associations et*  
11 *al. v. **Raimondo et al.***, Case No. 1:20-cv-431-JLT-EPG.” (Emphasis added). Notably, Raimondo  
12 is a defendant in 1:20-cv-426-JLT-EPG, not this case, making it unclear whether the stipulation  
13 was actually intended for the instant case. Moreover, the parties have not yet filed any stipulation  
14 in 1:20-cv-426-JLT-EPG.

14 Accordingly, IT IS ORDERED as follows:

- 15 1. The Court deems the stipulation (ECF No. 468) ineffective to dismiss Oji Family  
16 Partnership.
- 17 2. The parties are directed to file a proper dispositional document, with specific  
18 reference to the applicable dismissal provision, and ensure that they file the  
19 document in the correct case.

20  
21 IT IS SO ORDERED.

22 Dated: September 15, 2023

23 /s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE